

REMARKS/ARGUMENTS

In light of the remarks to follow, reconsideration and allowance of this application are respectfully requested.

Claims 1 and 3 are pending in this application. Claims 2 and 4 are canceled.

Claims 1-4 were rejected under 35 U.S.C. §103(a) as being unpatentable over Fukawa (U.S. Patent 5,568,654) in view of Tymes et al. (U.S. Patent 5,668,803).

The present claims now recite "wherein said predetermined data is at least one of video data and audio data which is continuously streamed to the terminal from at least one of said base stations." (Claims 1 and 3) The present invention is directed to the receipt of streaming data (audio or video) by receiving devices (i.e. the terminal) moving through overlapping cells of a number of base stations in a wireless network. To reduce bandwidth, the streaming data is only transmitted by those base stations currently having a receiving device in their cell. When a receiving device moves to a new area, the present invention chooses a new base station on the basis of both the signal strength and on "whether said base station ... is already streaming predetermined data." (Claim 1) By "checking each base station selected for the radio wave reception level thereof and for ongoing streaming of said predetermined data," the present invention reduces the number of new base stations which must be requested to start delivery of the predetermined data as receiving devices move between cells.

The Examiner contends Tymes discloses selecting a base station based on both the reception level and for ongoing delivery of the predetermined data as in the present invention. (Office Action page 2) However, at the cited locations, Tymes

actually selects a base station based on the reception level (i.e. signal strength) and a quality factor (which is a correlation coefficient). (Column 29, line 66 to Column 30, line 5) Tymes does not disclose selecting a base station based on the on the "ongoing streaming of said predetermined data" as recited in the present claims. Tymes' selection of a base station based on a quality factor is not analogous to the present invention's selection based on ongoing streaming. Although Tymes does disclose that base station receivers may be operating at all times, it does not discuss base stations continuously transmitting or streaming data. This is because Tymes is not directed to streaming data and as a result the base stations do not constantly transmit data.

Accordingly, for at least this reason, Fukawa and Tymes fail to obviate the present invention and the rejected claims should now be allowed.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

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Docket No.: SONYJP 3.3-337

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095.

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Respectfully submitted,

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